

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

COREY B. PHILLIPS and ALICIA S. PHILLIPS	:	CIVIL ACTION #02-3749
PLAINTIFFS	:	
vs.	:	JURY TRIAL DEMANDED
WEST NORRITON TOWNSHIP	:	
MANRICO A. TRONCELLITI, JR.	:	
EDWARD J. BARTOSZEK	:	
BARBARA A. BERGSTRASSER	:	
GEORGE J. STOJKANOVICH	:	
MICHAEL A. VEREB, INDIVIDUALLY AND IN	:	
THEIR OFFICIAL CAPACITY AS COMMISSIONERS	:	
OF WEST NORRITON TOWNSHIP	:	
THE BOARD OF COMMISSIONERS OF WEST	:	
NORRITON TOWNSHIP	:	
JOSEPH J. HEIN, INDIVIDUALLY AND IN HIS	:	
OFFICAL CAPACITY AS TOWNSHIP MANAGER	:	
OF WEST NORRITON TOWNSHIP	:	
ROBIN DEANGELIS, INDIVIDUALLY AND IN	:	
HER OFFICIAL CAPACITY AS ASSISTANT	:	
TOWNSHIP MANAGER OF WEST NORRITON	:	
TOWNSHIP	:	
DEFENDANTS	:	

ORDER

AND NOW, this day of , 2003, upon consideration of the Joint Motion for Enlargement of Time it is hereby ORDERED and DECREED that: said Motion is hereby granted and all deadlines set forth in the Court's Scheduling Order of January 9, 2003 shall be extended by ninety (90) days and the scheduling of the Settlement Conference before U.S. Magistrate Judge Diane Welsh shall take place on or about August 29, 2003.

BY THE COURT:

Anita B. Brody, J.

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TOWNSHIP	:	
DEFENDANTS		

MOTION FOR ENLARGEMENT OF TIME FOR DISCOVERY AND TRIAL

The parties named above jointly move this Honorable Court pursuant to F.R.C.P. 6(b) for enlargement of time for discovery and trial in this matter and, in support thereof, aver the following:

1. The instant action was filed on or about June 19, 2002 and following the filing of preliminary motions an Amended Complaint was filed with the Court on or about January 8, 2003.
2. Plaintiffs' Amended Complaint included eighteen Counts which include, *inter alia*, due process and conversion claims against the Defendant. The Defendants have filed an Answer to the Amended Complaint and set forth a counterclaim against the Plaintiff.
3. The parties entered into a joint proposed discovery plan which was adopted by the Court in an Order dated January 9, 2003 following a Rule 16 Conference.
4. Since the filing of the Amended Complaint, the parties have engaged in written discovery

and the production of documents and eighteen depositions have been taken.

5. It has become apparent to the parties that additional depositions are required along with the production of additional documents from both Plaintiff and Defendants.

6. The parties anticipate that they can complete the remaining depositions and exchange the additional documents within ninety days.

7. The parties have conducted discovery in an expeditious manner and without unnecessary delay but despite their best efforts require additional time to complete discovery as noted.

8. The parties believe that an extension of ninety days is necessary to allow all parties to adequately prepare this case for trial.

9. No previous extensions of time have been granted in this matter.

WHEREFORE, the parties respectfully request that this Honorable Court grant their Motion for Enlargement of Time and extend all dates in this matter by ninety days.

Respectfully submitted,

Leo A. Hackett, Esquire
Attorney for Plaintiffs

Robert P. DiDomenicis, Esquire
Attorney for Defendants

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MEMORANDUM OF LAW IN SUPPORT OF
THE JOINT MOTION FOR ENLARGEMENT OF TIME

Since the pleadings have been closed in the matter, the parties have conducted extensive discovery which includes the exchange of voluminous documents and eighteen depositions have been completed thus far. It has become apparent to the parties that additional depositions are required in order to prepare this matter for trial and that further documents are needed and some of these documents are presently unavailable. Further, the retention of experts is necessarily delayed due to the fact that additional discovery is required.

Federal Rules of Civil Procedure provide that the time within which an act is required or allowed to be done may be enlarged upon motion prior to the expiration of that period. F.R.C.P. 6(b)(1). Such time may also be enlarged after the expiration of the specified period if good cause is shown. F.R.C.P.

6(b)(2).

In the instant matter, all of the parties have worked diligently to complete discovery without any unnecessary delays. Accordingly, the parties respectfully request that the Court grant an additional ninety days to complete fact discovery and enlarge all time deadlines set forth in the Court's Orders of January 9 and January 15, 2003 accordingly.

Respectfully submitted,

Leo A. Hackett, Esquire
Attorney for Plaintiffs

Robert P. DiDomenicis, Esquire
Attorney for Defendants

CERTIFICATE OF SERVICE

I, Robert P. DiDomenicis, Esquire, attorney for the Defendants in the above matter hereby certify that a true and correct copy of the Joint Motion for Enlargement of Time was filed by Electronic Case Filing and will be sent by first class mail on this 29th day of April 2003.

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Respectfully Submitted,
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BY: _____
David C. Onorato
Attorney for Defendant/Counterclaimants,
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Commissions of West Norriton Township

Date:_____

